

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In re:
BERNARDO ALAMO DELGADO
EDIA IRIS AYALA SANCHEZ

Case No.: 08-01128-SEK

Chapter 13

Debtor(s).

**TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED POST CONFIRMATION PLAN MODIFICATION**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

PCM: This is the Trustee's position regarding the request, **under 11 U.S.C. §1329**, for a post confirmation modification of a plan.

Debtor(s)' Income: Above Mediam / 60 months commitment period. Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$4,000.00**. **R2016 STM. \$3,000.00**

TOTAL ATTORNEYS FEES THRU PLAN: \$2,754.00	Fees paid: \$2,754.00	Fees Outstanding: \$0.00
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With respect to the proposed (amended) Plan dated: **Aug 21, 2009**.

Plan Base: **\$29,900.00**.

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

☒ **FAILS DISPOSABLE INCOME TEST** [11 U.S.C. §1325(b)]:

☒ Debtor(s) fails to commit all future earnings / disposable income to fund the plan. [§1322(a)(1) & §1325(b)(1)(B)]

As per last amended schedule J filed by on 4/10/08 docket #10, debtor reflects a Disposable Income of \$500.00 and under new proposed plan debtor is offering to pay \$200.00. Debtor must explain the reason of the decrease in monthly payments and or amend plan accordingly.

Due to the above described deficiencies in the proposed modified plan the **Trustee Objects to the APPROVAL** of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served on the same date it is filed to: the DEBTOR(s) via regular mail, to his address of record, and her/his/their attorney, via regular mail if not a ECFS registered user, and to all Creditors and Parties in Interest, who has filed a Notice of Appearance or requested to receive notices regarding the present case, to their respective address of record.

In San Juan, Puerto Rico this **03rd**, day of September of 2009.

/S/ JOSE R. CARRION

JOSE R. CARRION, CHAPTER 13 TRUSTEE
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